



## 2013 ASSEMBLY BILL 799

1     **AN ACT to amend** 346.49 (2m) (a), 346.49 (2m) (am), 346.49 (2m) (b), 346.49 (2r)  
2           (a), 346.49 (2r) (b) and 346.495 (1) (a); and **to create** 192.29 (6), 346.445 and  
3           346.49 (2m) (c) of the statutes; **relating to:** pedestrians crossing railroad tracks  
4           and penalties for violations relating to railroad crossings and providing a  
5           penalty.

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*Analysis by the Legislative Reference Bureau*

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

6           **SECTION 1g.** 192.29 (6) of the statutes is created to read:  
7           192.29 (6) CONTACT INFORMATION AT PRIVATE CROSSINGS. A railroad company  
8           shall make a notice containing a telephone number at which a person may contact  
9           the company available to private landowners at each private traveled grade crossing  
10          at the request of the private landowner. The notice shall be large enough to be visible  
11          from the crossing.

**ASSEMBLY BILL 799****SECTION 1m**

1           **SECTION 1m.** 346.445 of the statutes is created to read:

2           **346.445 Limitations on pedestrians crossing railroad tracks.** (1) No  
3 pedestrian may enter or cross a railroad crossing under any of the following  
4 circumstances:

5           (a) While a traffic officer or railroad employee signals to stop.

6           (b) While a warning device signals to stop, except that if the pedestrian after  
7 stopping and investigating finds that no railroad train or railroad track equipment  
8 is approaching, the pedestrian may proceed.

9           (c) If any crossbuck sign specified under s. 192.29 (5) (a) is maintained at the  
10 crossing, while a railroad train or railroad track equipment occupies the crossing or  
11 approaches so closely to the crossing as to constitute a hazard of collision.

12           **(2)** No pedestrian may cross through, around, over, or under any crossing gate  
13 or barrier at a railroad crossing while the gate or barrier is closed or is being opened  
14 or closed.

15           **(3)** No pedestrian may cross through or around or climb over or under a railroad  
16 train or railroad track equipment while the railroad train or railroad track  
17 equipment occupies a railroad crossing.

18           **SECTION 2.** 346.49 (2m) (a) of the statutes is amended to read:

19           346.49 **(2m)** (a) Unless otherwise provided in par. (b), any person violating s.  
20 346.44 may be required to forfeit not more than \$1,000 for the first offense and not  
21 more than \$3,000 for the 2nd or subsequent conviction within 3 years.

22           **SECTION 3.** 346.49 (2m) (am) of the statutes is amended to read:

23           346.49 **(2m)** (am) Any person violating s. 346.45 shall forfeit not less than \$60  
24 nor more than \$600 for the first offense and not less than \$180 nor more than \$1,800  
25 for the 2nd or subsequent conviction within 3 years.

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1           **SECTION 4.** 346.49 (2m) (b) of the statutes is amended to read:

2           346.49 **(2m)** (b) Any operator of a bicycle or electric personal assistive mobility  
3 device violating s. 346.44 may be required to forfeit not less than \$100 nor more than  
4 \$40 \$250 for the first offense and not less than \$225 nor more than \$750 for the 2nd  
5 or subsequent conviction within 3 years.

6           **SECTION 5.** 346.49 (2m) (c) of the statutes is created to read:

7           346.49 **(2m)** (c) Any person violating s. 346.445 may be required to forfeit not  
8 less than \$100 nor more than \$250 for the first offense and not less than \$225 nor  
9 more than \$750 for the 2nd or subsequent conviction within 3 years.

10          **SECTION 6.** 346.49 (2r) (a) of the statutes is amended to read:

11          346.49 **(2r)** (a) A vehicle owner or other person found liable under s. 346.452  
12 with respect to a violation of s. 346.44 may be required to forfeit not more than \$1,000  
13 for the first offense and not more than \$3,000 for the 2nd or subsequent conviction  
14 within 3 years, except that, if the vehicle involved in the violation was a bicycle, the  
15 bicycle owner or other person may be required to forfeit not less than \$100 nor more  
16 than \$40 \$250 for the first offense and not less than \$225 nor more than \$750 for the  
17 2nd or subsequent conviction within 3 years.

18          **SECTION 7.** 346.49 (2r) (b) of the statutes is amended to read:

19          346.49 **(2r)** (b) A vehicle owner or other person found liable under s. 346.452  
20 with respect to a violation of s. 346.45 shall forfeit not less than \$60 nor more than  
21 \$600 for the first conviction and not less than \$180 nor more than \$1,800 for the 2nd  
22 or subsequent conviction within 3 years.

23          **SECTION 9.** 346.495 (1) (a) of the statutes is amended to read:

24          346.495 **(1)** (a) If a court imposes a forfeiture under s. 346.49 (1g) or (2m) (a),  
25 (am), ~~or (b), or (c)~~ for a violation of s. 346.44, 346.445, 346.45, or 346.46 (3), the court

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1 shall also impose a railroad crossing improvement surcharge under ch. 814 equal to  
2 50% of the amount of the forfeiture.

3 **SECTION 10. Initial applicability.**

4 (1) This act first applies to violations committed on the effective date of this  
5 subsection, but does not preclude the counting of other violations as prior violations  
6 for purposes of sentencing a person.

7 **SECTION 11. Effective date.**

8 (1) This act takes effect on the first day of the 3rd month beginning after  
9 publication.

10 (END)